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8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
	In the Matter of the Accusation Against: Case No. 2013-368
11	
12	TRAVIS W. RUSH 4034 Barnes Road
13	Santa Rosa, CA 95403 A C C U S A T I O N
14	Registered Nurse License No. 598100
15	Respondent.
16	
17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Registered Nursing (Board),
21	Department of Consumer Affairs.
22	2. On or about April 16, 2002, the Board of Registered Nursing issued Registered Nurse
23	License Number 598100 to Travis W. Rush (Respondent). The license was in full force and
24	effect at all times relevant to the charges brought herein and will expire on August 31, 2013,
25	unless renewed.
26	JURISDICTION
27	3. This Accusation is brought before the Board under the authority of the following
28	laws. All section references are to the Business and Professions Code unless otherwise indicated.
1	

- 4. Business and Professions Code (Code) section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

## STATUTORY PROVISIONS

- 6. Code section 490 provides, in pertinent part, that a Board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
  - 7. Code section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(f) Conviction of a felony or any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

## COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FIRST CAUSE FOR DISCIPLINE

## (Criminal Conviction)

9. Respondent is subject to disciplinary action under Code sections 2761(a), 2761(f), and/or 490 in that on or about October 4, 2011, in Sonoma County Superior Court, Case Number

1	SCR-576307, Respondent was convicted of having violated Penal Code section 272, subdivision
2	(a)(1) (contributing to delinquency of a minor). Imposition of sentence was suspended in favor of
3	a conditional twelve month sentence requiring Respondent to, among other things, avoid contact
4	with the victim, complete counseling, and submit to warrantless search and seizures of his person,
5	property, vehicle, and residence. Respondent was also ordered to pay fines and direct victim
6	restitution totaling approximately \$4,898.68. The conviction arose from Respondent's arrest on
7	or about December 29, 2009, after the victim, a seven-year-old girl who was attending a
.8	sleepover in Respondent's home, watched pornography on Respondent's computer and in
9	Respondent's presence.
10	<u>PRAYER</u>
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12	and that following the hearing, the Board of Registered Nursing issue a decision:
13	1. Revoking or suspending Registered Nurse License Number 598100, issued to Travis
14	W. Rush;
15	2. Ordering Travis W. Rush to pay the Board of Registered Nursing the reasonable costs
16	of the investigation and enforcement of this case, pursuant to Business and Professions Code
17	section 125.3;
18	3. Taking such other and further action as deemed necessary and proper.
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20	
21	DATED NOVEMBER 5 2012 Stave Ber
22	LOUISE R. BAILEY, M.ED., RN
23	Executive Officer Board of Registered Nursing
24	Department of Consumer Affairs State of California
25	Complainant
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